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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,120	10/02/2003	Cheryl E. Perkins	22841.00	6029

7590 01/22/2008  
Patent Law Offices of Walter L. Beavers  
326 South Eugene Street  
Greensboro, NC 27401

EXAMINER
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MUSSELMAN, TIMOTHY A

ART UNIT	PAPER NUMBER
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3714

MAIL DATE	DELIVERY MODE
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01/22/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/676,120

Applicant(s)

PERKINS ET AL.

Examiner

Timothy Musselman

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 10 and 12-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10, 12-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Status of Claims***

In response to the amendment filed 10/30/2007, claims 10 and 12-20 are pending in this application.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of the relevant portion of 35 U.S.C. 103 that forms the basis for the rejections made in this section of the office action;

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

**Claims 10, 12, and 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gemma, Jr. (US 6,663,456) in view of Champlin, 'Story Telling With Puppets, Second Edition'.**

**Regarding claims 10 and 17,** Gemma discloses methods for developing and expressing imagination, creativity, and thinking skills. See col. 2: 1-4. The disclosed method comprises providing and displaying at least one costumed doll, a finger puppet glove, and finger puppets. See col. 2: 56-67. Note that a puppet is a movable doll, and thus this citation describes both a puppet and a doll. Also notice in col. 5: 13-20 wherein it is described that in one embodiment the children can manipulate puppets during the presentation. Gemma further discloses providing media presentations in addition to, and in synchronization with, the finger puppets/dolls. See col. 1: 56-60. Gemma further discloses wherein the story media can be in the form of audio/video, picture books, or any combination thereof. See col. 4: 11-20. Gemma does not disclose wherein the subject matter of the puppet presentations pertain to the topic of multiculturalism, or involves a family of a second culture, but only that the invention is used for

educational purposes. See col. 2: 1-4. However, a book authored by Connie Champlin, published in 1997, titled 'Storytelling With Puppets, second edition', teaches that this concept of using puppet shows with families for multicultural education is in fact well known in the art. See the back cover of the book, wherein it is described that the puppet stories are directed to 'multicultural themes'. Also, see page 8, wherein one story suggested for adaptation to a puppet show is "More, More, More, Said the Baby", by Vera Williams, published in 1996. This story is further described on page 18 of the Champlin book as being 'three short stories about family love featuring families of different races'. Also note on page 8, under the "In the Classroom" header, it is described how the puppet shows are used in the classroom to teach children about foreign cultures. It would have been obvious to one of ordinary skill in the art to use the puppets in the system of Gemma in a manner as taught by Champlin, because this would merely be the combination of elements known in the art. That is to say that it would be a presentation of a puppet show as known in the art of puppet shows, in a known system for the explicit presentation of precisely such educational puppet shows.

**Regarding claim 12**, Gemma further discloses wherein the show can contain an activity book pertaining to the play (which can be a multicultural theme, as described above regarding claim 10). See col. 3: 55—col. 4:10. Note that the book comprises activity sheets with the activities thereon being the performance or creation of the puppet show (i.e. different activities). Also note that books are reproducible, and if the child has it, it has been assigned and distributed (recall from claim 10 that the use of puppet shows 'in the classroom' is well known – see Champlin page 8).

**Regarding claim 15**, Champlin discloses teaching about foreign *cultures* (plural) on page 8, and it would have been obvious to one of ordinary skill in the art at the time of the invention to include this in the system of Gemma for the identical reasons set forth with regard to claim 10 above.

**Regarding claim 16**, Gemma further discloses a storage container. See col. 4: 17-44.

**Regarding claim 18**, Champlin discloses in the first paragraph of page 10 that puppet shows are ideally 20 – 45 minutes in length for children with good attention spans. It would have been obvious to one of ordinary skill in the art to include these time limits in the puppet shows of Gemma for the identical reasons set forth with regard to claim 10 above.

**Regarding claim 19**, Champlin discloses using multiple teaching episodes on page 8, wherein it is described how the puppets can portray worldwide *folktales* (plural). It would have been obvious to one of ordinary skill in the art at the time of the invention to include this aspect of the Champlin puppet shows in the puppet system of Gemma, for the same reasons set forth above regarding claim 10.

**Regarding claim 20**, Champlin discloses on page 8, under the headings 'At the Library or School Media Center', that the stories can be participatory. The inclusion of this feature in the puppet show system of Gemma would have been obvious to one of ordinary skill in the art for the same reasons described above with regard to claim 10.

**Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gemma, Jr. (US 6,663,456) in view of Champlin, 'Story Telling With Puppets, Second Edition' and in further view of Cutler et al. (US 5,122,062).**

**Regarding claims 13-14**, all of the features of parent claim 10 are disclosed by Gemma/Champlin as described above, but there is no teaching wherein the educational process includes the use of flashcards, and no teaching of indicating features on a map. However, Cutler discloses an educational system that includes both of these features. See col. 3: 59-64, and fig. 2, label 14. It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize flash cards and maps (e.g. maps in the picture books or video presentations) in the system of Gemma, because the use of curricular activities

with puppet shows is old and well known in the art (see Gemma, page 8, wherein it is described how puppet shows are commonly related to curricular activities). Thus the use of these known curricular activities as taught by Cutler with the puppet shows of Gemma/Champlin would merely be using known curricular activities with a known type of themed puppet show, and would not have produced any unexpected results. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention.

### ***Response to Arguments***

Applicant's arguments dated 10/30/2007 have been fully considered, but are moot in view of the new grounds of rejection.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy Musselman whose telephone number is (571)272-1814. The examiner can normally be reached on Mon-Thu 6:00AM - 4:30PM.

Application/Control Number:  
10/676,120  
Art Unit: 3714

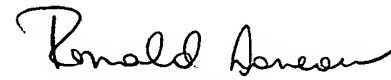
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571)272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TM

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Ronald Laneau  
Primary Examiner  
Art Unit 3714

1/17/08